

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>CLIFFORD BOYNES, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No. 2021-0253</b>
	)	
<b>v.</b>	)	
	)	
<b>LIMETREE BAY VENTURES, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr/>	)	
<b>HELEN SHIRLEY, et al.,</b>	)	
	)	<b>Civil Action No. 2021-0259</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LIMETREE BAY VENTURES, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr/>	)	
<b>FRANCIS E. CHARLES and THERESA J. CHARLES,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No. 2021-0260</b>
	)	
<b>v.</b>	)	
	)	
<b>LIMETREE BAY VENTURES, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr/>	)	
<b>BEECHER COTTON, et al.,</b>	)	
	)	<b>Civil Action No. 2021-0261</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LIMETREE BAY VENTURES, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr/>	)	

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### **MEMORANDUM OPINION AND ORDER**

THIS MATTER comes before the Court on Plaintiffs’<sup>1</sup> unopposed “Motion[s] to Appoint Interim Co-Lead Class Counsel and Plaintiffs’ Executive Committee Pursuant to Fed. R. Civ. P. 23(g), and Personal Injury Liaison Counsel” (Dkt. No. 454)<sup>2</sup> (“Motion to Appoint”).

In their Motion to Appoint, Plaintiffs seek, pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the appointment of three Interim Co-Lead Class Counsel, an Interim Executive Committee with four members, and an Interim Personal Injury Liaison Counsel (“Liaison Counsel”). (*Id.* at 1). Specifically, Plaintiffs request that the Court appoint as Interim Co-Lead Counsel: Shanon J. Carson of Berger Montague PC; Daniel Charest of Burns Charest LLP; and Kerry Miller of Fishman Haygood L.L.P. Plaintiffs also seek the appointment of an Interim Executive Committee comprised of Lee J. Rohn of Lee J. Rohn & Associates LLC; Hugh Lambert of Lambert Zainey Smith & Soso, APLC; John K. Dema of Dema Law; and C. Jacob Gower of Gower Legal LLC. Finally, Plaintiffs seek the appointment of Lee J. Rohn as interim Liaison Counsel. No party has filed an opposition to Plaintiffs’ Motion to Appoint.

“In cases involving overlapping, duplicative, or competing suits in other federal courts or in state courts, the lawyers may stipulate to the appointment of a lead interim counsel and a steering committee to act for the proposed class.” Ann. Manual for Complex Lit. § 21.11 (4th ed.). In the context of putative class representation, “[t]he types of appointments and assignments of responsibilities [] depend on many factors. The most important is achieving efficiency and economy

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<sup>1</sup> Plaintiffs filed the same Motion to Appoint in each of the four above-captioned cases, Civ. No. 2021-0253 (“Boynes Dkt.”), Dkt. No. 454; Civ. No. 2021-0260 (“Charles Dkt.”), Dkt. No. 335; Civ. No. 2021-0261 (“Cotton Dkt.”), Dkt. No. 512; Civ. No. 2021-0259 (“Shirley Dkt.”), Dkt. No. 270. Unless otherwise noted, the term “Plaintiffs” as used herein refers to Plaintiffs in all four actions.

<sup>2</sup> Citations to the Docket, unless otherwise specified, refer to the Boynes docket. (Civ. No. 2021-0253).

without jeopardizing fairness to the parties.” Ann. Manual Complex Lit. § 10.221 (4th ed.).

The appointment of an executive committee, such as the one Plaintiffs seek, is “most commonly needed when group members’ interests and positions are sufficiently dissimilar to justify giving them representation in decision making.” *Mack v. LLR, Inc.*, 2018 U.S. Dist. LEXIS 229666, at \*13-14 (C.D. Cal. Jan. 31, 2018) (citing Manual for Complex Litig., § 10.221). In some cases, executive committees may be inefficient, lead to substantially increased costs, and create internal conflict among Plaintiffs’ appointed counsel. *See Boggs v. Chesapeake Energy Corp.*, 286 F.R.D. 621, 624 (W.D. Okla. 2012). Thus, courts have declined to appoint an executive committee where plaintiffs do not articulate a need for such an appointment. *Id.*; *see also Aberin v. Am. Honda Motor Co.*, 2017 U.S. Dist. LEXIS 136378, at \*8-9 (N.D. Cal. 2017).

As the Court stated at the February 22, 2024 Status Conference, the Court has reviewed the qualifications of all of the proposed appointments and has found that all of the attorneys that Plaintiffs have proposed, including the members of the proposed Executive Committee, are well-qualified for appointment. However, Plaintiffs have not argued that the putative classes’ interests are divergent or suggested any other compelling reason for the appointment of the proposed Executive Committee.<sup>3</sup> Indeed, Plaintiffs have acknowledged that their Motion to Amend and Consolidate the Complaints—which the Court has now granted—was designed to streamline the proceedings. (Dkt. No. 453-1 at 8) (“it will reduce inefficiency and redundancy, streamline these complex proceedings, and allow a faster and more equitable resolution for all parties”). Accordingly, the Court concludes that the appointment of the three proposed Interim Co-Lead Class Counsel and the Interim Liaison Counsel is sufficient to manage the consolidated cases. In the

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<sup>3</sup> The Court appreciates, as Plaintiffs made clear at the February 22, 2024 Status Conference, that all of the attorneys proposed for appointment have contributed significantly to Plaintiffs’ efforts in this matter to date. Nonetheless, the fact of their contributions does not provide sufficient reason for the appointment of an executive committee.

absence of any articulable need, the Court will decline to appoint an executive committee.<sup>4</sup>

In view of the foregoing, the Court appoints as Interim Co-Lead Counsel: Shanon J. Carson of Berger Montague PC, Daniel Charest of Burns Charest LLP, and Kerry Miller of Fishman Haygood L.L.P. The Court will also appoint as Interim Liaison Counsel Lee J. Rohn of Lee J. Rohn & Associates LLC. The Court will not appoint an executive committee.

Accordingly, it is hereby

**ORDERED** that Plaintiffs' Motions to Appoint (Civ. No. 2021-0253, Dkt. No. 454; Civ. No. 2021-0260, Dkt. No. 335; Civ. No. 2021-0261, Dkt. No. 512; Civ. No. 2021-0259, Dkt. No. 270) are **GRANTED IN PART AND DENIED IN PART**; and it is further

**ORDERED** that Shanon J. Carson of Berger Montague PC is **APPOINTED** as Interim Co-Lead Counsel in each of the above-captioned consolidated actions; and it is further

**ORDERED** that Daniel Charest of Burns Charest LLP is **APPOINTED** as Interim Co-Lead Counsel in each of the above-captioned consolidated actions; and it is further

**ORDERED** that Kerry Miller of Fishman Haygood L.L.P. is **APPOINTED** as Interim Co-Lead Counsel in each of the above-captioned consolidated actions; and it is further

**ORDERED** that Lee J. Rohn of Lee J. Rohn & Associates LLC is **APPOINTED** as Interim Liaison Counsel in each of the above-captioned consolidated actions.

**SO ORDERED.**

Date: March 1, 2024

\_\_\_\_\_/s/\_\_\_\_\_  
WILMA A. LEWIS  
District Judge

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<sup>4</sup> The Court reaffirms here, as it stated at the Status Conference, that this Order is not intended to alter or control how Plaintiffs' counsel operate among themselves.